

REMARKS

The examiner has rejected claims 1 through 9 on section 102(e) grounds as being anticipated by the Chang patent. Applicant is amending claim 1 to include limitations not disclosed by the Chang patent and is adding new claims 19 and 20. Applicant submits that the cited patent does not anticipate any claims as amended.

102 Rejection of Claims 1-9

The examiner has rejected Applicant's claim 1 under 35 U.S.C. 102 (e) citing US Patent No. 6,607,934 to Chang (referred to as "*Chang patent*"). In particular, the examiner has indicated that the Chang patent discloses forming a polymer based micro-machine including forming a mold of a design through a lithography process, transferring the design to a polymer substrate through a hot embossing process, depositing a metal layer over at least part of the design, and connecting at least one electrical lead to the metal layer. The examiner also indicated that the Chang patent discloses forming two substrates and binding them together and discloses that the polymer is PMMA and that various MEMS may be formed. However, claim 1 now recites limitations originally in claim 8, namely that there are first and second molds, each having a design formed through a lithography process and that the design on each mold is transferred to a separate polymer substrate through a hot embossing process.

The Chang patent does not disclose forming two molds through lithography and transferring both to a polymer substrate. Instead, the Chang patent *only* discloses that the top layer may comprise a polymer substrate (see column 10, line 55), while the bottom layer is a ceramic (see column 11, line 42). In direct comparison, the applicant claims transferring the design achieved through lithography from *both* molds to polymer substrates. Because this element is not disclosed, the Chang patent cannot anticipate claim 1, nor any other claim dependent upon claim 1.

The Applicant respectfully submits that the examiner's rejection based upon 35 U.S.C. 102 is effectively rebutted by the current amendments. MPEP §706.02(b) provides that in rejecting a claim based upon lack of novelty, a single prior source must contain *all* essential elements and limitations. *Hoover Group, Inc. v. Custom Metalcraft, Inc.*, 66

F.3d 299 (1995) (emphasis added). As shown above, the Chang patent clearly does not contain all the elements of the amended claim 1.

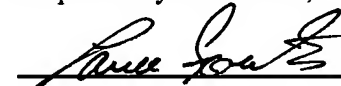
Likewise, claim 19 recites forming a mold of a comb drive structure and claim 20 recites forming a mold of a design for a tunneling current sensor. Neither of these limitations are found in the Change patent. The test for novelty has been met by the application since all the claims have limitations not found in the Chang patent.

CONCLUSION

The Applicant respectfully submits that he has traversed the examiner's rejections and the claims are in a condition for allowance. Additionally, applicant submits that the amendments to claim 1 merely incorporate limitations which were improperly rejected in original claim 8. Therefore, if the Examiner raises new grounds for rejecting claim 1 in the next office action, it is not the applicant's amendments which necessitate the new rejections. Thus, a final rejection in the next office action will not be proper.

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Respectfully submitted,



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